

United States Court of Appeals
For the Eighth Circuit

No. 18-1175

United States of America

Plaintiff - Appellee

v.

Peng Chanthalangsy

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: August 16, 2018

Filed: August 27, 2018

[Unpublished]

Before WOLLMAN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Peng Chanthalangsy directly appeals the within-Guidelines-range sentence imposed by the district court¹ after he pled guilty to a child-pornography charge. His

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

counsel has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Chanthalangsy's sentence is substantively unreasonable, as the district court gave too much weight to certain statements in the presentence report regarding the means by which Chanthalangsy accessed child pornography.

After careful consideration, we conclude that Chanthalangsy—by withdrawing his objections to the presentence report at sentencing—waived any claim of error concerning the district court's adoption of the relevant statements of facts in the presentence report. *Cf. United States v. White*, 447 F.3d 1029, 1032 (8th Cir. 2006) (noting that the defendant, by acknowledging that the facts set forth in the presentence report were correct, effectively withdrew his objections to those facts and thereby waived his right to argue his objections on appeal). We further conclude that Chanthalangsy's sentence is not substantively unreasonable. *See United States v. Feemster*, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (reviewing sentence under deferential abuse-of-discretion standard and discussing substantive reasonableness).

Having independently reviewed the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw, and we affirm.
